

Appl. No. 10/080,994  
Amdt. Dated May 19, 2005  
Reply to Final Office Action of April 5, 2005

Attorney Docket No. 81784.0250  
Customer No.: 26021

### **REMARKS/ARGUMENTS**

Claims 3-23 were pending in the application. By this amendment, claims 3 and 23 are being amended and claims 12-22 are being cancelled, to advance the prosecution of the application. No new matter is involved.

Entry of this Amendment under the provisions of 37 C.F.R. § 1.116 as placing the application in condition for allowance or alternatively in better form for appeal, and reconsideration and allowance in view thereof, are respectfully requested.

In paragraph 1 which begins on page 2 of the final Office Action, claims 12 and 13 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,636,468 of Salmonsens et al.

In paragraph 2 which begins on page 3 of the final Office Action, claims 3-8 and 14-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Salmonsens in view of U.S. Patent 6,643,233 of Yen et al. In paragraph 3 which begins on page 7 of the final Office Action, claims 9 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Salmonsens in view of Yen and further in view of U.S. Patent 6,556,524 of Takeshita. In paragraph 4 which begins on page 8 of the final Office Action, claims 10, 11, 21 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Salmonsens in view of Yen and further in view of Takeshita. Claims 12-22 are being cancelled herein, thereby obviating the rejections of claims 12 and 13 as anticipated by Salmonsens, the rejection of claim 14-19 as unpatentable over Salmonsens in view of Yen, the rejection of claim 20 as unpatentable over Salmonsens in view of Yen and Takeshita, and the rejection of claims 21 and 22 as unpatentable over Salmonsens in view of Yen and Takeshita. With respect to claims 3-11 and 23, the rejection of such claims over the prior art is respectfully traversed, particularly in view of the amendments being made herein to independent claims 3 and 23.

Independent claim 3 is being extensively amended herein in order to better set forth the distinguishing features in accordance with the present invention. Similar comments apply to independent claim 23.

In the case of claim 3, such claim is being amended in order to clarify the important points in accordance with methods of the invention that:

- (1) It is determined whether or not the recording position by the optical pickup is moved to a position in which the linear speed can be changed to a higher speed.
- (2) The recording operation is interrupted when it is determined that the recording position reaches a changeable position.
- (3) The recording properties are then detected.
- (4) If the detected recording properties are satisfactory, the recording operation is resumed after the linear speed is changed to the higher speed, and, if the detected recording properties are unsatisfactory, the recording operation is resumed while the low linear speed is maintained.

Thus, in the case of claim 3, the method for recording/reproducing thereof includes the step of "controlling the recording of a recording signal from a moveable recording position onto a disk so that the recording signal is recorded onto the disk at a constant linear speed". The method includes the further step of "determining whether or not the recording position is moved to a position in which the linear speed can be changed to a higher speed". The method includes the still further step of "interrupting the recording of the recording signal onto the disk when it is determined that the recording position reaches a changeable position". This is followed by the steps of "reproducing the signal writing on the disk before resuming a reproducing/recording operation", and "detecting the recording properties of the

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disk based on the reproduced signal in order to set the linear speed". The method of claim 3 then sets forth the further steps of "resuming the recording the operation after the linear speed is changed to the higher speed if the detected recording properties are satisfactory" and "resuming the recording operation while a low linear speed is maintained if the detected recording properties are unsatisfactory". Claim 23 has been amended to contain similar limitations.

The features which are now more clearly set forth in claims 3 and 23 as amended are described in the specification, and particularly, the final paragraph on page 14 to the second paragraph of page 15 of the specification.

The claims have been rejected on combinations of *Salmonsens*, *Yen* and *Takeshita*. According to such references, the recording properties of the disk can be detected at any point in time. This is in contrast to the present invention in which the recording operation is interrupted at a predetermined specific point to detect the recording properties. Thus, the cited references, taken alone or in the attempted combination thereof, do not disclose or suggest the present invention, as set forth in claims 3 and 23 as amended, as discussed above. Thus claims 3 and 23 are submitted to clearly distinguish patentably over the art.

Claims 4-11 depend directly or indirectly from and contain all of the limitations of claim 3, so that such claims are also submitted to clearly distinguish patentably over the art.

In conclusion, claims 3-11 and 23 are submitted to clearly distinguish patentably over the prior art for the reasons discussed above. Therefore, entry of this amendment under the provisions of 37 C.F.R. § 1.116 as placing the application in condition for allowance or alternatively in better form for appeal, and reconsideration and allowance in view thereof, are respectfully requested.

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Respectfully submitted,

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